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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,793	06/22/2000	Stephen Herman	us 000143	8272

24737 7590 06/30/2004

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EXAMINER	
LUU, MATTHEW	
ART UNIT	**PAPER NUMBER**
2672	#13

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/599,793	STEPHEN HERMAN	
	Examiner	Art Unit	
	LUU MATTHEW	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 May 2004* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16,19-21 and 24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5,7-10,12,14,15,19,20 and 24* is/are rejected.

7)☒ Claim(s) *4, 6, 11, 13, 16, and 21* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5, 7-10, 12, 14-15, 19-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda et al (5,978,041) in view of Diedrichsen et al (5,920,313).

Regarding claims 15 and 20, Masuda discloses (Figs. 27 and 34-36) methods for highlighting (brightness control) a portion of a display screen (such as a window) by increasing the color temperature of at least one color (white color or brightness) within the portion of the display screen (column 28, lines 11-65; and column 32, lines 62-64).

The only difference between the disclosure of Masuda and the claimed invention is that claim 15 requires modifying the color temperature of at least one non-white color within a selected portion of the display screen.

However, Diedrichsen discloses (Figs. 1 and 4a-4b, 7a) a multiple window display system, wherein a computer user can modify at least one non-white color within a selected portion of the display screen. See column 6, lines 17-34, lines 31-33, and lines 58-63. It is obvious to a person of ordinary skill in the art to incorporate the teaching of modifying at least one non-white color within a selected portion of the

display screen, as taught by Diedrichsen, into the multiple window display system of Masuda to provide a visually marking method that enables the computer user to easily identifies different group of windows being displayed on the display screen.

Regarding claims 19 and 24, the only difference between the disclosure of Masuda and the claims 19 and 24 is that the claims require the limitation of increasing a color temperature of a background of the display screen.

However, Masuda discloses (Fig. 31) a specific area brightness conversion means (32) can change the brightness levels of the pictures (A) and (B) displayed on the picture display means (31) separately from each other (column 32, lines 61-64). It is obvious to the person of ordinary skill in the art to recognize that if the display portion (A) is a background image and the display portion (B) is a foreground image, then based on the teaching of Masuda above the brightness or the color temperature of the background image can be increased independently.

Regarding claim 1, Masuda discloses (Figs. 27 and 34-36) apparatus for highlighting (brightness control) a portion of a display screen (such as a window) comprising:

a color shift controller (Fig. 27, scan converter 15 and video circuits 170a-170c); and modifying a value of at least one pixel within the portion by increasing the color temperature of at least one color (white color or brightness) within the portion of the display screen (column 28, lines 11-65; and column 32, lines 62-64).

The only difference between the disclosure of Masuda and the claimed invention is that claim 1 requires modifying the color temperature of at least one non-white color within a selected portion of the display screen.

However, Diedrichsen discloses (Figs. 1 and 4a-4b, 7a) a multiple window display system, wherein a computer user can modify at least one non-white color within a selected portion of the display screen. See column 6, lines 17-34, lines 31-33, and lines 58-63. It is obvious to a person of ordinary skill in the art to incorporate the teaching of modifying at least one non-white color within a selected portion of the display screen, as taught by Diedrichsen, into the multiple window display system of Masuda to provide a visually marking method that enables the computer user to easily identifies different group of windows being displayed on the display screen.

Regarding claim 2, Masuda discloses (Fig. 9) a cathode ray tube (CRT 7).

Regarding claim 3, Masuda discloses (Fig. 12) a liquid crystal display screen (LCD 9).

Regarding claim 5, Masuda discloses increasing the color temperature of at least a white color value or brightness within the selected portion of the display screen (column 32, lines 62-64). It is obvious to the person of ordinary skill in the art to realize that since Masuda discloses a computer window display system, it is obvious that the windows are run by window application.

Regarding claim 7, the only difference between the disclosure of Masuda and the claim 7 is that the claims require the limitation of increasing a color temperature of a background of the display screen.

However, Masuda discloses (Fig. 31) a specific area brightness conversion means (32) can change the brightness levels of the pictures (A) and (B) displayed on the picture display means (31) separately from each other (column 32, lines 61-64). It is obvious to the person of ordinary skill in the art to recognize that if the display portion (A) is a background image and the display portion (B) is a foreground image, then based on the teaching of Masuda above the brightness or the color temperature of the background image can be increased independently.

Regarding claim 8, Masuda discloses (Figs. 27 and 34-36) a processing system comprising:

a display screen (Fig. 36, screen 31);

a memory (ROM 35 or data storage 3131);

a data processor (CPU 34); and

apparatus for highlighting (brightness control) a portion of a display screen (such as a window) comprising:

a color shift controller (Fig. 27, scan converter 15 and video circuits 170a-170c); and modifying a value of at least one pixel within the portion by increasing the color

temperature of at least one color (white color or brightness) within the portion of the display screen (column 28, lines 11-65; and column 32, lines 62-64).

The only difference between the disclosure of Masuda and the claimed invention is that claim 8 requires modifying the color temperature of at least one non-white color within a selected portion of the display screen.

However, Diedrichsen discloses (Figs. 1 and 4a-4b, 7a) a multiple window display system, wherein a computer user can modify at least one non-white color within a selected portion of the display screen. See column 6, lines 17-34, lines 31-33, and lines 58-63. It is obvious to a person of ordinary skill in the art to incorporate the teaching of modifying at least one non-white color within a selected portion of the display screen, as taught by Diedrichsen, into the multiple window display system of Masuda to provide a visually marking method that enables the computer user to easily identifies different group of windows being displayed on the display screen.

Regarding claim 9, note the rejection as set forth above with respect to claim 2.

Regarding claim 10, note the rejection as set forth above with respect to claim 3.

Regarding claim 12, note the rejection as set forth above with respect to claim 5.

Regarding claim 14, note the rejection as set forth above with respect to claim 7.

Allowable Subject Matter

Claims 4, 6, 11, 13,16 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed February 10, 2004 have been fully considered but they are not persuasive.

Regarding to the Applicant's argument with respect to the new amended limitations, "modifying the color temperature of at least one non-white color within said selected portion of said display screen to effect said highlighting.

Applicant's specification, page 2, lines 10-14, recites "***Methods for highlighting a portion of a display screen (such a window) in a standard cathode ray tube (CRT) television monitor are well known in the art. One method involves highlighting the selected portion by making it brighter than the other portions of the display screen".*** This portion of text clearly reads on the claimed limitation "increasing the color temperature of at least one color within said selected portion of said display screen".

Furthermore, Masuda clearly discloses (Figs. 27 and 34-36) methods for highlighting (brightness control) a portion of a display screen (such as a window) by increasing the color temperature of at least one color (white color or brightness) within the portion of the display screen. Column 28, lines 11-65 and column 32, lines 62-64

recites, " Fig. 27 is a block diagram... In this embodiment, the display device has a constitution in which **the color temperature of an image can be changed** (lines 13-14)... and **1603 a color temperature control signal** (lines 24-26)... **As an actual operation, for example, when a video signal which is a high definition signal is inputted, the color temperature control signal 1603 outputs a control signal for controlling the color temperature to 6500 K and the gain control signal 1503 outputs a control signal for increasing the brightness** (lines 56-61). Thus, Masuda clearly teaches the highlighting (brightness control) a portion of a display screen (such as a window) by increasing the color temperature of at least one color (white color or brightness) within the portion of the display screen.

The Examiner uses the Diedrichsen reference to teach (Figs. 1 and 4a-4b, 7a) a multiple window display system, wherein a computer user can modify at least one non-white color within a selected portion of the display screen. See column 6, lines 17-34, lines 31-33, and lines 58-63. And the reason for combining the Diedrichsen reference with the Masuda reference is that "a person of ordinary skill in the art to incorporate the teaching of using an input device for selecting and highlighting a window on a display screen, as taught by Diedrichsen, into the multiple window display system of Masuda to provide a visually marking method that enables the computer user to easily identifies different group of windows being displayed on the display screen".

Thus, Examiner established "a prima facie case of obviousness."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (703) 305-4850. The examiner can normally be reached on 9 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAZAVI MICHAEL can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

M. Luu
June 24, 2004

MATTHEW LUU
PRIMARY EXAMINER